IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1298 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHAILESH CHUNILAL GALA

Versus

GUJARAT ADANI PORT LIMITED

Appearance:

MR CH VORA for Petitioner

MR PR NANAVATI for Respondents No. 1-2

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 09/11/2001

ORAL JUDGEMENT

Rule. Mr.P.R.Nanavati waives service of rule on behalf of the respondents.

2. The learned counsel for the petitioner has drawn

my attention to para-7 of the judgment of the Appellate Court in which it is stated that the learned counsel for the respondents has admitted that the transaction in question was in respect of 1 acre out of 7 acres and 9 gunthas of Survey No.435. The learned counsel for the respondents states that the document in question which is produced at Mark-27/1 is in respect of 1 acre and their claim is confined to the area covered by the said document.

3. In the circumstances, there is no warrant to interfere under Section 115 of the Civil Procedure Code with the findings recorded by the Court below. But in view of the statement made by the learned counsel for the respondents that their claim is confined to 1 acre of land described in the document Mark 27/1, the petitioner shall be entitled to injunction except in respect of the area covered by the said document Mark-27/1.

4. This Revision Application is, therefore, partly allowed. The petitioner shall be entitled to injunction as prayed for in Exh.5 except in respect of the area of 1 acre of land as described in the document at Mark-27/1. Rule is made absolute to the said extent.

(M.C.Patel,J.)

vrp